



Project title: Change Order No. 2 to the contract with Weber Construction, Inc. for the Diversion Dam Road Phase 3 project in the amount of \$208,394.12

City Council Agenda Item Cover Sheet

Council Bill #

Agenda dates requested:

April 29, 2020

Briefing

Proposed action

Consent

Action

Ordinance

Public hearing

Yes ☒ No

Budget amendment:

Yes ☒ No

PowerPoint presentation:

Yes ☒ No

Attachments:

Change Order No. 2

Department(s) involved:

Public Works, Admin

Contact person:

John Nottingham, P.E.

Phone number:

(425) 257-8844

Email:

jnottingham@everettwa.gov

Initialed by:

Department head

Administration

Council President

Consideration: Change Order No. 2

Project: Diversion Dam Road Phase 3

Partner/Supplier: Weber Construction, Inc.

Location: Lake Chaplain Water Shed

Preceding action: Contract Award 7/24/19

Fund: 401

Fiscal summary statement:

Original Contract Amount: \$ 419,958.00 (7/24/2019)

Change Order No. 1 83,945.00 (4/6/20)

Change Order No. 2 208,394.12

New Contract Total: \$ 712,297.12

The source of funds for this contract is Fund 401 – Water/Sewer Utility Fund

Project summary statement:

This project addressed drainage, road widening and safety issues. Work included cutting back a cliff face to allow moving the existing road away from the eroding outside cliff edge and adding a drainage ditch along the repaired section. The excess rock was crushed to provide future road surfacing for roads within the Lake Chaplain Tract. The Haybecker Creek Culvert Replacement includes replacing three culvert pipes that are routinely blocked with one larger culvert.

Recommendation (exact action requested of Council):

Authorize the Mayor to sign this Change Order No. 2 to the contract with Weber Construction, Inc. for the Diversion Dam Road Phase 3 project in the amount of \$208,394.12.

CHANGE ORDER

PROJECT NO.: WO# 3707-08

PROJECT TITLE: City of Everett Water Diversion Dam Road Phase 3

DEPARTMENT: City of Everett Public Works

CITY CONTACT: John Nottingham, P.E.

CONTRACTOR: Weber Construction, Inc.

CONTRACT AWARD DATE: City of Everett Water Diversion Dam Road Phase 3

CHANGE ORDER NO.: CO#2

CHANGE ORDER EFFECTIVE DATE: 3/19/2020

The following changes are hereby made to the Contract documents:

NATURE OF CHANGE:

See Exhibit "A" and attachments for details of Scope of Work.

CHANGE TO CONTRACT AMOUNT:

Original Estimated Contract Amount (not including Sales Tax)	<u>\$419,958.00</u>
Net Increase Due to Previous Change(s)	<u>\$83,945.00</u>
Net Increase Due to This Change (not including Sales Tax)	<u>\$208,394.12</u>
New Estimated Contract Amount (including Sales Tax)	<u>\$712,297.12</u>

CHANGE TO CONTRACT TIME:

Original Contract Time	<u>90 days</u>
Net Increase Due to Previous Change(s)	<u>45 days</u>
Net Increase Due to This Change	<u>20 days</u>
New Contract Time	<u>155 days</u>

Change Order No. _____ CO#2 _____

Change Order Effective Date: _____ 3/19/2020 _____

Contractor and City agree as follows:

1. The scope of Work shall be changed to the extent described in Exhibit A.
2. The amount of the change order for the changes described in Exhibit A, represents complete compensation for the changes described in Exhibit A, including all direct and indirect costs and impacts. The contract price shall be adjusted as described in this Change Order.
3. Everett Municipal Code 3.80.050 sets forth the threshold amounts below which the Mayor or her designee is authorized to direct Contractor to perform additional work. In calculating such threshold amounts, Washington State sales tax, if applicable to the Work, has been considered.
4. The duration of the Contract shall be adjusted to the extent described in this Change Order.
5. Contractor waives and releases any and all claims arising out of, or related to, this Change Order, the work described in Exhibit A, and all work and actual or constructive changes that occurred or began prior to the date of this Change Order, including, but not limited to, claims for equitable adjustment of time and compensation, delay, impact, overhead, or inefficiencies. This provision does not apply to requests for equitable adjustment of time or price for which the Contractor timely and properly provided notice of a differing site condition, protest, dispute, claim or Contract Claim as required by the Contract Documents. If the Contract Documents establish a time period for notice of a differing site condition, protest, dispute, claim, or Contract Claim that ends after the date of this Change Order, but relates to work performed prior to the date of this Change Order, then this provision does not apply if the Contractor timely and properly submits such notice
6. This Change Order only changes the contract between Contractor and City to the extent explicitly provided herein.



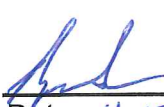
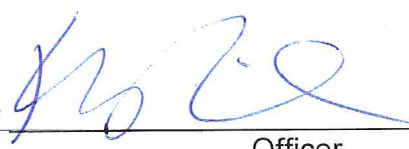
CITY			
Mayor Date: _____	Attest: City Clerk Date: _____	Approved As to Form: City Attorney Date: _____	
Recommended By:			
Construction Manager (if applicable) <div style="text-align: center;">N/A</div> Date: _____	Project Manager (if applicable) <div style="text-align: center;">  Date: <u>4/2/20</u> </div>	Engineering Manager (if applicable) <div style="text-align: center;">  Date: <u>4-2-2020</u> </div>	Department Director <div style="text-align: center;">  Date: <u>4-15-2020</u> </div>
CONTRACTOR			
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 40%;"> By  Officer </div> <div style="width: 60%;"> Date: <u>4-2-2020</u> </div> </div>			

Exhibit A—Description & Justification of Changed Work

The work within this project encompassed the blasting of rock and forested hillside within the City's Water Shed in order to relocate a deteriorating gravel roadway; thus, making it safe for daily travel. Once the work progressed it became obvious that the quantities of rock and overburden material were going to be much larger than anticipated. The Contractor was instructed to proceed knowing an adjustment of quantities would be necessary at the close of the project. This Change Order #2 represents these adjustments as follows.

Bid Item	Description	Additional Cost
4	10,457 additional cubic yards of material were hauled @ the unit price of \$15.00 per CY.	\$156,855.00
	Total	\$156,855.00

Washington State Sales Tax

In addition to the adjustment of quantities this Change Order #2 also includes the addition of Sale Tax for the entire project. This roadway project was bid without Sale Tax; however, it was later determined after project award that Sale Tax must be included. The total tax amount is \$51,539.12 (arrived at using the original bid price of \$419,958.00 plus Change Order #1 and Change Order #2. In the total amount of \$240,800.00 and applying a WSST rate of 7.8% to the subtotal).

The net increase to the Contract by Change Order #2 then becomes \$156,855.00 + \$51,539.12 for a total Contract Price increase of \$208,394.12.